

## LEGAL ASSURANCES

### Consolidated Categorical Aid Programs, Program Year 2004-2005

*The applicant agency, by signature of its authorized representative (district superintendent or designee) on the first page of this application, hereby assures the California State Board of Education that the agency will adhere to the following legal assurances.*

#### General Assurances

1. Programs and services are and will be in compliance with Title VI and Title VII of the Civil Rights Act of 1964; the California Fair Employment Practices Act, Government Code §11135; and Chapter 4 (commencing with §30) of Division I of Title 5, California Code of Regulations (CCR).
2. Programs and services are and will be in compliance with Title IX (nondiscrimination on the basis of sex) of the Education Amendments of 1972. Each program or activity conducted by the LEA will be conducted in compliance with the provisions of Chapter 2, (commencing with §200), Prohibition of Discrimination on the Basis of Sex, of Part 1 of Division 1 of Title I of the Education Code, as well as all other applicable provisions of state law prohibiting discrimination on the basis of sex.
3. Programs and services are and will be in compliance with the affirmative action provisions of the Education Amendments of 1972.
4. Programs and services are and will be in compliance with the Age Discrimination Act of 1975.
5. Programs and services for individuals with disabilities are in compliance with the disability laws. (PL 105-17 and 34 CFR 300, 303 and Section 504 of the Rehabilitation Act of 1973)
6. When federal funds are made available, they will be used to supplement the amount of state and local funds that would, in the absence of such federal funds, be made available for the uses specified in the state plan, and in no case supplant such state or local funds. (PL 107-110 §1120A(b)(1))
7. All state and federal statutes, regulations, program plans, and applications appropriate to each program under which federal or state funds are made available through this application will be met by the applicant agency in its administration of each program.
8. Schoolsite councils have developed and approved a Single Plan for Student Achievement for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. (EC §64001)
9. The local educational agency (LEA) will use fiscal control and fund accounting procedures that will ensure proper disbursement for, state and federal funds paid to that agency under each program. (CCR T5, §4202)
10. The (LEA) will make reports to the state agency or board and to the Secretary of Education as may reasonably be necessary to enable the state agency or board and the Secretary to perform their duties and will maintain such records and provide access to those records as the state agency or board or the Secretary deems necessary. Such records will include, but will not be limited to, records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for

- three years after the completion of the activities for which the funds are used. (34 CFR 76.722, 76.730, 76.731, 76.734, 76.760; 34 CFR 80.42)
11. The local governing board has adopted written procedures to ensure prompt response to complaints within 60 days, and has disseminated these procedures to students, employees, parents or guardians, district/school advisory committees, and interested parties. (CCR T5, §4600 et seq.)
  12. The LEA declares that it neither uses nor will use federal funds for lobbying activities and hereby complies with the certification requirements of 34 CFR Part 82. (34 CFR Part 82)
  13. The LEA has complied with the certification requirements under 34 CFR Part 85 regarding debarment, suspension and other requirements for a drug-free workplace. (34 CFR Part 85)
  14. The LEA provides reasonable opportunity for public comment on the application and considers such comment. (20 USC §7846(a)(7); PL 107-110, §1118(b)(4)). The LEA will provide the certification on constitutionally protected prayer that is required by PL 107-110, § 9524.
  15. The LEA administers all funds and property related to programs funded through the Consolidated Application. (PL 107-110, §1120(d)(1))
  16. The LEA will adopt and use proper methods of administering each program including enforcement of any obligations imposed by law on agencies responsible for carrying out programs and correction of deficiencies in program operations identified through audits, monitoring or evaluation. (20 USC 7846 (a)(3)(B))
  17. The LEA will participate in the Standardized Testing and Reporting program. (20 USC §6316; PL 107-110, §1116(a)(1)(A-D); EC §60640, et seq.)
  18. The LEA assures that classroom teachers who are being assisted by instructional assistants retain their responsibility for the instruction and supervision of the students in their charge. (EC §45344(a))
  19. The LEA governing board has adopted a policy on parent involvement that is consistent with the purposes and goals of *Education Code Section 11502*. These include all of the following: (a) to engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society; (b) to inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home; (c) to build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities; (d) to train teachers and administrators to communicate effectively with parents; and (e) to integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability. (EC§§11502,11504)
  20. Results of an annual evaluation demonstrate that the LEA and each participating school are implementing Consolidated Programs that are not of low effectiveness, under criteria established by the local governing board. (CCR T5, §3942)
  21. The program using consolidated programs funds does not isolate or segregate students on the basis of race, ethnicity, religion, sex, sexual orientation or socioeconomic status. (USC, Fourteenth Amendment; Calif. Constitution, art. I, §7; Gov.C §§11135-11138; 42 USC §2000d; CCR T5, §3934)
  22. Personnel, contracts, materials, supplies, and equipment purchased with Consolidated Program funds supplement the basic education program. (EC §§62002, 52034(I), 52035(e)(I), 54101; CCR T5, §3944, 3946)

23. At least 85 percent of the funds for School Improvement Programs, Title I, Title VI and Economic Impact Aid (State Compensatory Education and programs for English learners) are spent for direct services to students. One hundred percent of Miller-Unruh apportionments are spent for the salary of specialist reading teachers. (EC §63001; CCR T5, §3944(a), (b))
24. State and federal categorical funds will be allocated to continuation schools in the same manner as to comprehensive schools, to the maximum extent permitted by state and federal laws and regulations. (EC §48438)

#### **No Child Left Behind: General Assurances**

25. The LEA has established and implemented a district-wide salary schedule; has a policy to ensure equivalence among schools in teachers, administrators, and other staff; and has a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. (PL 107-110, §1120(c)(2)(A)(i-iii))
26. The LEA has established and implemented specific policies to ensure the LEA has used state and local funds to provide comparable services in all its schools including, but not limited to, a local educational agency-wide salary schedule, a policy to ensure equivalence among schools in teachers, administrators, and other staff, and policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. The LEA annually performs comparability calculations to make adjustments, as necessary to make Title I schools comparable. (20 USC §6321; PL 107-110, §1120(c)(3)(A)-(B))
27. The LEA assures that neither it, nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any Federal department or agency. (PL 107-110; 34 CFR 85.225)
28. An LEA that contracts with an organization approved by the State Board of Education as a provider of supplemental educational services will ensure that all publicly funded services to be delivered by the provider are secular, neutral, and non-ideological. (PL 107-110, §1116(e)(5)(D))
29. The LEA has adopted a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school. (PL 107-110, §4141, EC §48902)

#### **No Child Left Behind, Title I, Part A**

30. Each LEA receiving Title I/SCE funds is allocating time and resources to coordinate and integrate services with Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, as well as other educational services for students who are English Learners (also known as LEP), children with disabilities, homeless, migratory, American Indian and neglected and delinquent students, along with other health and welfare agencies, if appropriate. (20 USC §6301(b)(11), 6311(a)(1); PL 107-110, §1112 (b)(1)(E))
31. School eligibility is determined by district-wide criteria for Title I and State Compensatory Education. (Title I/SCE) (PL 107-110, §311(b)(5)), (PL 107-110, §1112(b)(G)); (EC §62002; CCR T5, §4414))
32. Each Title I participant in a Targeted Assistance Program is identified as being most in need using consistently applied multiple objective educational criteria established by the LEA and supplemented by the school, except that children from preschool through grade two shall be selected solely on the

basis of such criteria as teacher judgment, interviews with parents and developmentally appropriate measures. (20 USC §6315(b)(B)), (PL107-110, §1115(b)(I)(B))

33. The LEA will:

- a. Work in conjunction with schools as the schools develop the schoolwide plans and implement SWP and Targeted Assistance programs. (20 USC §6312(c)(1)(C)), (PL 107-110 §1112(c)(1)(C))
- b. Provide for services to eligible migratory children and former migratory children. (20 USC §6312(b)(1)(J)), (PL 107-110, §1112(b)(1)(J))
- c. Implement programs and early intervention for the educationally disadvantaged students based on scientifically based research. (20 USC §6312(c)(1)(F)), (PL 107-110, §1001(9))
- d. Coordinate and collaborate as determined necessary with other agencies providing services to children, youth and families including health and social services. (20 USC §6312(c)(1)(E)), (PL 107-110, §1112(c)(1)(K))
- e. Inform eligible schools and parents of schoolwide program authority and the ability to consolidate funds from federal, state or local sources. (20 USC §6312(c)(1)(A)), (PL 107-110, §1112(c)(1)(A))
- f. Ensure that school(s) which operate schoolwide programs meet the Title I/SCE criteria. (20 USC §6314(a)(1)), (PL 107-110, §1114(a)(1))
- g. Spend, at a minimum, a per child amount of the state and local funds, excluding amounts for state compensatory, as was present during the preceding fiscal year. (20 USC §6321(a)), (PL 107-110, §1120A(a))

34. The district advisory council has been provided with the application and other documents pertinent to the planning, implementation, and evaluation of the programs included in this document. (CCR T5 §4423, 4501, 4503)

35. The LEA annually uses the State academic assessments and other indicators described in the state plan to review annually the progress of each school receiving Title I funds to determine whether the school is making adequate yearly progress. The LEA shall identify for program improvement any elementary or secondary school that fails for 2 consecutive years, to make adequate yearly progress as defined in the State's plan. For schools that are targeted assistance, the LEA may choose to review the progress of only the students in the school who are served, or are eligible for services under this part before identifying the school for program improvement, corrective action or restructuring under Section 1116. For schools identified as program improvement, the LEA agrees to the following:

Year 1: Not later than the first day of the school year following identification, provide all students enrolled in the school with the option to transfer to another public school served by the LEA, which may include a public charter school, that has not been identified for program improvement. The LEA shall give priority to the lowest achieving children from low-income families. In addition, the LEA will:

- assist the school in developing the school plan in consultation with parents, school staff, the LEA, and outside experts for approval by the LEA that shall cover a two-year period;
- ensure provision of specified technical assistance during the development and implementation of the school plan.

Year 2: For a school that fails to make adequate yearly progress after the first year, the LEA shall continue to provide all students enrolled in the school with the option to transfer to another public school and shall make supplemental educational services available, and shall continue to provide technical assistance.

Year 3: For a school that fails to make adequately yearly progress after two years in program improvement, the LEA shall continue to provide all students enrolled in the school with the option to transfer to another public school; continue to provide technical assistance, supplemental services to children who remain in the school; and shall identify the school for corrective action and take at least one corrective action under clause (iv). The LEA shall publish and disseminate information regarding any corrective action taken.

Year 4: For a school that after one year in corrective action fails to make adequate yearly progress, the LEA shall continue to provide all students enrolled in the school with the option to transfer to another public school in the district; continue to make supplemental services available to children who remain in the school; and shall prepare a plan for alternative governance arrangements for the school as indicated in Section 1116(b)(8)(B).

Year 5: For a school that after two years in corrective action fails to make adequate yearly progress, the LEA shall implement the alternative governance arrangement plan consistent with State law and with Section 1116(b)(8)(B).

For any case described for program improvement in years 1-5 above, and until the school exits PI status, the LEA shall provide or shall pay for the provision of transportation for the student to the public school the student attends and supplemental services as appropriate. Unless a lesser amount is needed the LEA shall spend an amount equal to 20% of its allocation under subpart 2 from which the agency shall spend:

- An amount equal to 5% to pay for transportation costs;
- An amount equal to 5% to provide supplemental education services;
- An amount equal to the remaining 10% for transportation or supplemental services or both as the agency determines.

In any case identified in years 1-5 above, and until the school exits PI status, if all public schools served by the LEA to which a student may transfer are identified as program improvement, the LEA shall to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for transfer.

If any school identified for program improvement makes adequate yearly progress for two consecutive years, the LEA shall exit the school from program improvement upon notification by the State and shall no longer subject the school to the requirements of program improvement. (PL107-110, §1116(a)(1)(A); §1116(b)(1)(A), §1116(b)(1)(D), §1116(b)(1)(E), §1116(b)(3)(A), §1116(b)(5)(A)-(C), §1116(b)(5), §1116(b)(7)(C), §1116(b)(8)(A), §1116(b)(8)(B), §1116(b)(9), §1116(b)(10)(A), §1116(b)(11), §1116(b)(12))

36. The LEA is maintaining fiscal efforts on behalf of eligible children to ensure that these funds supplement the regular program and do not supplant the local efforts to educate eligible children. (20 USC §6321(a)), PL 107-110, §1120(A)(a))
37. The LEA agrees to implement programs, activities, and procedures for the involvement of parents in programs assisted under and consistent with Title I, Part A requirements. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each LEA shall develop jointly with, agree on with, and distribute to parents of participating children, a written parent involvement policy. The policy shall be incorporated into the LEA local plan and describe how the LEA will:
  - a) Involve parents in the joint development of the local plan and the process of school review for program improvement schools under Section 1116;
  - b) Help schools to plan and implement effective parent involvement activities to improve student academic achievement and school performance;
  - c) Build the schools' and parents' capacity for strong parental involvement;

- d) Coordinate and integrate parental involvement strategies under Part A and under other programs as specified;
- e) Conduct with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy and use the findings of the evaluation to design more effective parental involvement; and
- f) Involve parents in the activities of the Title I schools.

Parents shall be notified of the policy in an understandable and uniform format and to the extent practicable, provided in a language the parents can understand. The policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. (PL 107-110, §1118(a)(1)(2)(A)-(F), §1118(b)(1))

To ensure effective involvement of parents each LEA shall provide:

- a) Assistance to parents of children served by the school or LEA, in understanding topics such as the State's content standards and academic assessments, the parental involvement requirements of Section 1118, and how to monitor a child's progress and work with educators to improve the achievement of their children.
  - b) Training to teachers, counselors, principals and other staff in how to reach out to, communicate with, and work with parents as equal partner.
  - c) Ensure to the extent feasible, the coordination and integration of various parent involvement programs.
  - d) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.
  - e) Other reasonable support for parental involvement activities as parents may request.
- (PL 107-110, §1118(e))

The LEA may also involve parents in activities as specified in Section 1118(e)(1)-(14). In carrying out the parent involvement requirements the LEA, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parent with disabilities, and parents of migratory children, including providing information and school reports required under Section 1111 in format and, to the extent practicable, in a language such parents understand. (PL 107-110, §1118(f))

The LEA will present in an understandable and uniform format and language that the parents can understand, the Annual Local Educational Agency and School Report Cards. (PL 107-110, §1118(a)(1), §1118(b), §1118(e), §1118(f))

The LEA shall provide high-quality professional development to enable teachers to become highly qualified and successful classroom teachers. The LEA shall develop strategies for providing professional development for paraprofessionals, parents and other staff. (PL 107-110, §1119(a)(2)(B), (h))

- 38. The LEA developed a plan for ensuring that all core academic subject classes are taught by highly qualified teachers by the end of the 2005-06 school year and will annually report progress made toward meeting the annual measurable objectives established by the state educational agency for the LEA as a whole and each of the schools serviced by the LEA. (PL 107-110, §1119(a)(3), §1119(B)(1)(a))
- 39. All paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under Title I shall have completed at least two years of study in an institution of higher education, and obtained an associate's (or higher) degree, or met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment; that they have knowledge of, and the ability to assist in instructing, reading, writing, and

mathematics; or knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and mathematics readiness, appropriate. (PL 107-110, §1119(c)(1)(A-C), (d))

40. The LEA will reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve homeless children, children in local institutions for neglected children, and, if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs. (20 USC §6313(c)(3)(A)-(C)), (PL 107-110, §1113(c)(3)(A-C))
41. The LEA has maintained fiscal effort. The combined fiscal effort per student or the aggregate expenditures of the LEA from State and local funds for free public education for the preceding year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding year. (20 USC §8891(a)), (PL 107-110, Title XIV §14101 (10), and §14501(a))
42. The LEA will inform eligible schools of the LEA authority to obtain waivers on the school's behalf under Title IX and under the Education Flexibility Partnerships Act of 1999. (PL 107-110, §1112(c)(1)(J)), (20 U.S.C. §6311(c)(12))
43. Each LEA receiving Title I/SCE funds will assist each school served by the LEA in developing or identifying examples of high-quality, effective curricula. The LEA will provide services to each school served to ensure that all Title I students meet the state content and student performance standards, each school gives reasonable promise to provide substantial progress toward meeting the educational needs of compensatory education students, and that these services are designed and implemented in consultation with all appropriate staff and parents. (20 USC, 6311(b)(8)), (PL 107-110, 1112(c), (1), (O))
44. Each LEA will use the results of the student academic assessments required under section 1111(b)(3) to ensure that all students meet the State's proficient level of achievement. The LEA will ensure that the results from the academic assessments are provided to parents and teachers as soon as it is practically possible. (PL 107-110, §1112(c)(1)(M)(N))

#### **NCLB, Title I, Part A, Schoolwide Programs**

45. Each school participating in the schoolwide program services an eligible school attendance area in which not less than 40 percent of the children are low-income families. (PL 107-110, §1114(a)(1))
46. Each participating school has received high quality technical assistance and support from providers of assistance such as comprehensive technical center, regional laboratories, institutions of higher education, educational service agencies, or other local consortia. (PL 107-110, §1114(b))
47. Participating schools use funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school. (PL 107-110, §1114(a)(2)(B))
48. Each schoolwide program includes the following components:
  - a) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in Sec. 1309(2)) that is based on information that includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in Section 1111 (b)(1).
  - b) Schoolwide reform strategies that --
    - provide opportunities for all children to meet the State's proficient and advanced levels of student academic achievement described in Section 1111(b)(1)(D).

- use effective methods instructional strategies that are based on scientifically based research, that:
  - strengthen the core academic program in the school;
  - increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and
  - include strategies for meeting the educational needs of historically underserved populations;
  - include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include counseling, pupil services, and mentoring services; college and career awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and the integration of vocational and technical education programs; and address how the school will determine if such needs have been met; and are consistent with, and are designed to implement, the State and local improvement plans, if any.
- c) Instruction by highly qualified teachers.
  - d) In accordance with Section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.
  - e) Strategies to attract high quality teachers to high-need schools.
  - f) Strategies to increase parental involvement in accordance with section 1118, such as family literacy services.
  - g) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, Early Reading First, or a State-run preschool program, to local elementary school programs.
  - h) Measures to include teachers in the decisions regarding the use of academic assessments described in Section 1111(b)(3) in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.
  - i) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of academic achievement standards required by section 1111(b)(1) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.
  - j) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.
  - k) A participating school in consultation with the LEA and its technical assistance provider shall develop a comprehensive plan for reforming the total instructional program in the school.
  - l) The school maintains a schoolwide process of developing improvement plans that are broadly reflective of the socio-economic composition of the school attendance area, principals, teachers, other school personnel, parents, and members of the community in the development of school improvement plans (including taking into account the needs of migratory children as defined in section 1909(2)). The school plan describes improvement efforts related to instruction, auxiliary services, school environment, and organization. (PL 107-110, §1114(b)(1)(A-J))



## **NCLB, Title I, Part A, Education of Homeless Children and Youth**

49. The LEA will reserve Title I, Part A funds to provide comparable services to homeless children to ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth. This reservation requirement is not formula driven. The amount reserved is to be determined by LEA as appropriate. (PL 107-110, §1113(c)(3)(A))
50. Local educational agencies need to satisfy the requirements of this section and coordinate with the McKinney-Vento Homeless Assistance Act. (PL 107-110, §1111(a)(1))
51. Local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless. (PL 107-110, §722(g)(J)(i))
52. Local educational agencies will designate an appropriate staff person, as a local educational agency liaison for homeless children and youths, to ensure equal access to the same free, appropriate public education. (PL 107-110, §722(g)(J)(ii))
53. Local educational agencies will adopt policies and practices to ensure that transportation is provided to homeless children and youths, at the request of the parent or guardian, to and from the school of origin. (PL 107-110, §722 (g)(J)(iii))

## **NCLB, Participation of Private Nonprofit School Students**

54. The LEA shall, after timely and meaningful consultation with appropriate private school officials, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the following programs:
  - Title I, Part A
  - Title I, Part B (subparts 1 and 3) and C
  - Title II, Parts A, B, and D
  - Title III, Part A
  - Title IV, Parts A and B
  - Title V, Part A(PL 107-110, §1120(a)(1), § 9501(a)(1), (b)(1)(A-H))

For Title I, Part A, the LEA must also provide parents with these services or other benefits.  
(PL 107-110, §1120 (a)(1))

55. Educational services for private school children, teachers and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.  
(PL 107-110, §1120(a)(3), §9501(a)(3))
56. To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as:
  - how the children's needs will be identified;
  - what services will be offered;

- how, where, and by whom the services will be provided;
  - how the services will be academically assessed and how the results of that assessment will be used to improve those services;
  - the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4) for such services;
  - the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;
  - how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers; and (H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor. (20 USC 6320, PL 107-110, §1120(b)(1))
57. The Title I expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years. (20 USC 6320, PL 107-110, §1120(a)(4))
58. In the provision of Title I, Part A services, any employee, individual, association, agency, or organization shall be independent of the private school and of any religious organization, and such employment or contact shall be under the control and supervision of the public agency. (20 USC 6320, PL 107-110, §1120(d)(2)(B))
59. Title I services or other benefits, including materials and equipment, shall be secular, neutral, and non-ideological. (20 USC §6320, (PL 107-110, §1120(a)(2))
60. The LEA maintains and will provide upon request to the State educational agency a written affirmation signed by officials of each participating private school that the consultation required by NCLB, Title I, Part A, by Section 1120(b) of the No Child Left Behind (NCLB) Act of 2001 has occurred. (PL 107-110, §1120(b)(4))

#### **NCLB, Title I, Part A, Neglected, and Part D, Delinquent Students Program**

61. Each student who has been identified for funding purposes is served by a local educational agency, from 5 to 17 years of age, and, in a local neglected or delinquent institution program for a minimum of 20 hours per week. (PL 107-110, §1412(a)(1)(A)(ii))
62. The needs of students are assessed upon enrollment and periodically thereafter, to identify students at risk of failing to meet State standards. Assessment results for students are on file at each participating site and/or custodial agency. (PL 107-110, §1112(b)(1), §1416, §1431)
63. A procedure for evaluating the effectiveness of the program has been established, and is addressed in the Local Education Agency (LEA) Plan. (PL 107-110, §1426)

64. The LEA will provide for the allocation of time and resources for maximum coordination of Title I services with the regular instructional program and other State and federal agencies as well as special education. (PL 107-110, §1423(B)(3)-(13))

**NCLB, Title II, Part A, Preparing, Training, and Recruiting High Quality Teachers and Principals**

65. The LEA conducted a comprehensive and collaborative needs assessment that involved teachers, paraprofessionals, principals, parents and other relevant school personnel. The results are used to create a plan that increases the number of highly qualified teachers in every classroom in core academic subjects, increases the percentage of teachers participating in high quality professional development including training on effective instructional strategies, and use of State academic content standards and assessments. (PL 107-110, §2122(c))
66. The LEA developed a plan for ensuring that all core academic subject classes are taught by highly qualified teachers by the end of the 2005-06 school year and will annually report progress made toward meeting the annual measurable objectives established by the state educational agency for the LEA as a whole and each of the schools services by the LEA. (PL 107-110, §1119(a)(3); §1119(b)(1)(A))
67. All teachers hired into a Title I funded position on or after the first day of the 2002-03 school year shall be highly qualified. The LEA has set aside a minimum of 5% of its Title I, Part A funds for professional development activities to ensure that all teachers who are not highly qualified become so by the end of the 2005-06 school year. The LEA requires the principals of Title I schools to attest that their schools are in compliance with the NCLB requirements for teachers and paraprofessionals. (PL 107-110, §1119(a)(1); §1119(i)(1) and (1))
68. Schools in Program Improvement will use no less than 10% of their Title I, Part A funds to provide the schools' teachers and principals with high quality professional development. (PL 107-110, §1116(b)(3)(A)(iii))
69. LEAs identified for Program Improvement will use no less than 10% of their Title I, Part A funds for professional development, to include the funds reserved for schools in Program Improvement but excluding the funds reserved for professional development under Section 1119. (PL107-110, 1116(c)(7)(iii))
70. The LEA will notify parents of each student that they may request information about the professional qualifications of their children's teachers. The LEA will notify parents in a timely way if a teacher who is not highly qualified has taught their children for four or more consecutive weeks. (PL 107-110, §1111(h)(6)(A), §1111(h)(6)(B)(ii))
71. The LEA will consult in a timely and meaningful way with appropriate private school officials serving children from the LEA and, when requested, will provide teachers of those children services or activities comparable to those provided to teachers in public schools. The LEA will maintain written affirmations signed by officials of each participating private school that the consultation has occurred. (PL 107-110, §9501(a)(3))
72. The LEA plan, and authorized activities, targets Title II Part A funds to schools that:
- a. have the lowest proportion of highly qualified teachers;
  - b. have the largest average class size; or
  - c. are identified for school improvement. (PL 107-110, §2122(b)(3)(C))
73. All paraprofessionals, hired after January 8, 2002 and working in a program supported with Title I

Part A funds, shall be qualified as defined by the LEA. All paraprofessionals, hired before January 8, 2002 and working in a program supported with Title I Part A funds, shall be qualified as defined by the LEA by the end of the 2005-06 school year. The LEA will annually report its progress in meeting the annual measurable objective established by the State Education Agency for the LEA as a whole and each school served by the LEA that uses Title I funding in this way. (PL 107-110, §1119(c) and §1119(d)); Policy adopted by the State Board of Education June 2003

74. The LEA will use funds to meet the requirements contained in Title II, Part A, and all other applicable provisions of the ESEA Reauthorization of 2001 and will submit necessary documentation of compliance with requirements upon request to the CDE. (PL 107-110, §2121)

#### **NCLB, Title II, Part D, Enhancing Education Through Technology**

75. No grant funds are available to local educational agencies (LEA) that do not have a state-approved district technology plan, which meets both the State Board and Federal Technology Plan Guidelines.
76. Any hardware purchased with grant funds must meet or exceed the standards for hardware issued found in Technical Specifications for Computers Purchased or Leased Under the Enhancing Education Through Technology (EETT) program <http://www.cde.ca.gov/ls/et/ft/eett.asp>.
77. Any funds spent for education technology-related expenses will be consistent with EDGAR, and that any curriculum-based electronic learning resource purchased with grant funding is either (a) part of a state-adopted program or (b) reviewed by the California Learning Resources Network (CLRN) and found to be consistent with State Board-adopted Content Standards. CLRN reviews supplemental electronic learning resources for students. (See [www.clrn.org](http://www.clrn.org) for CLRN-reviewed electronic learning resources.)
78. Grant recipients must use not less than 25 percent of grant funds to provide ongoing, sustained, and intensive, high-quality professional development. (PL 107-110, §2416)
79. No grant funds made available to local educational agencies that do not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 USC 254(h)(5)), otherwise known as E-Rate, may be used to grant funds to purchase computers used to access the Internet, or to pay for direct costs associated with the accessing of the Internet, unless the school or local educational agency has in place, and is enforcing, a policy of Internet safety for minors that includes specified technology protection measures. (PL 107-110, §2441)
80. Grant recipients must complete the 2004 and 2005 Online California School Technology Survey for the district and all funded schools. (PL 107-110, §2414)
81. Local educational agencies receiving grant funds must, during the grant period (January 1, 2004 – June 30, 2005), have at least sixty (60) percent of the teachers at the funded local educational agency (LEA) complete both modules of the CTAP<sup>2</sup> Technology Assessment Profile (Proficiency Assessment and Technology Use Survey), at <http://ctap2.iassessment.org/> to determine their level of technology proficiency (Introductory, Intermediate, or Proficient) and technology use. (PL 107-110, §2414)

#### **NCLB, Title III, Part A and Part C, Program for LEP Students**

82. The LEA will use ESEA, Title III, Part A, funds according to the No Child Left Behind Act of 2001. (PL 107-110, §3102)

83. ESEA, Title III, Part A, funds shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for LEP children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds. (PL 107-110, §3115(g))
84. The LEA will develop and submit to the CDE an LEA Plan inclusive of all elements required by the State and ESEA, Title III, Part A, Section 3116. (PL 107-110, §3116)
85. The LEA will comply with ESEA, Title III, Part C, Section 3302 regarding parent notifications, prior to, and throughout, each school year. The LEA annually will assess the English proficiency of all children with limited English proficiency participating in programs funded by ESEA, Title III, Part C. (PL 107-110, §3302)
86. The LEA will base its proposed plan under ESEA, Title III, Part A, on scientifically based research on teaching LEP children. (PL 107-110, §3115(c))
87. The LEA ensures that the programs will enable LEP children served under ESEA, Title III, Part A, to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards. (PL 107-110, §3115(c))
88. The LEA is not in violation of any State law, including State constitutional law, regarding the education of LEP children, consistent with ESEA, Title III, Part A, Sections 3126 and 3127. (PL 107-110, §3116(d)(5))
89. The LEA shall provide the CDE with an evaluation every second fiscal year addressing all elements under ESEA, Title III, Part A. (PL 107-110, §3121(a))

**NCLB, Title IV, Part A, Safe and Drug Free Schools and Communities Program**

90. Uniform Management Information and reporting System: the LEA assures that it will provide to the CDE information for the uniform management information and reporting system required by No Child Left Behind, Title IV in the format prescribed by CDE. That information will include: (A) truancy rates; (B) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State; (C) the types of curricula, programs and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and (D) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities. (Section 4112, General Provisions, Title IV, Part A, PL 107-110)
91. The applicant LEA ensures that the activities or programs funded by the Safe and Drug Free Schools and Communities Program {NCLB, Title IV, Part A} comply with the principles of effectiveness described in section 4115(a) (1) and foster a safe and drug free learning environment that supports academic achievement. IN GENERAL, for a program or activity to meet the principles of effectiveness, such program or activity shall: (A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities; (B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment; (C) be based on scientifically

based research that provides evidence that the program to be used will reduce violence and illegal drug use; (D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and (E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity (F) shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114. (G) The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided. (PL 107-110, §4114 (d)(1), §4115 (a)(1)(2))

92. To ensure timely and meaningful consultation, the applicant LEA, at the initial stages of design and development of a program or activity shall consult with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115. That the LEA shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals); and that on an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community. (PL 107-110, §4114 (c))
93. The applicant LEA ensures that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds. (PL 107-110, §4114 (d)(4))
94. The applicant LEA ensures that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful. (PL 107-110, §4114 (d) (6))
95. That the applicant LEA has, or the schools to be served have, a plan for keeping schools safe and drug free. That includes; (A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students; (B) security procedures at school and while students are on the way to and from school; (C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; (D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and (E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
  - (i) allows a teacher to communicate effectively with all students in the class;
  - (ii) allows all students in the class to learn;
  - (iii) has consequences that are fair, and developmentally appropriate;
  - (iv) considers the student and the circumstances of the situation; and
  - (v) is enforced accordingly. (PL 107-110, §4114 (d)(7))
96. The applicant LEA ensures that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application. (PL 107-110, §4114 (d)(8))

97. The applicant LEA shall submit to the State educational agency such information that the State requires to complete the State report required by subsection 4116 (a), including a description of how parents were informed of, and participated in, violence and drug prevention: and that this information shall be made readily available to the public. (PL 107-110, §4116 (b)(1))
98. The applicant LEA is in compliance with the State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing. (PL 107-110, §4141 (b)(1))
99. The LEA will submit on a format to be designated by the state educational agency and included in the Consolidated Application, the information that the state requires to complete federal reporting requirements on the number of students annually expelled from school for possession of firearms. (PL 107-110, 4141)

#### **NCLB, Title V, Part A, Participation of Private Nonprofit School Students**

100. Expenditures per NCLB, Title V, Part A participant are equal in public and private nonprofit schools or different only if based on documented needs. (20 USC §7372), (PL 107-110, §5142(b)(1))
101. Regularly scheduled supervision is provided by district personnel. (20 USC §7373(a)(4)), (PL 107-110, §5142(c)(2))
102. If the LEA determines, after consultation with a private school, that the services, materials, and equipment it provides with Title V, Part A funds are not feasible or necessary for the private school, it will make other arrangements to assure equitable participation for the private school students. (PL 107-110, §5142(a)(1)(B))
103. LEA will administer and control Title V, Part A funds and shall maintain title of materials, equipment, and property provided to private schools under Title V. (20 USC §6320(d)(1), (PL 107-110 §5142(c)(1))

#### **NCLB, Title V, Part A, Innovative Programs**

104. Parents, teachers, administrators, and other groups involved (e.g. librarians, school counselors, and other pupil services personnel) in both public and private non-profit have been systematically consulted regarding the allocation of funds and in the design, planning, and implementation of the Title V, Part A-supported programs. (PL 107-110, §5122(a)(7))
105. Funds allocated under this chapter are used to supplement and to the extent practical, increase the level of funds that would be made available from non-federal sources. (20 U.S.C. 6313(b)), (PL 107-110, §6401(b))
106. The LEA will keep such records, and provide such information to the State educational agency as may be reasonably required for fiscal audit and program evaluation. (PL 107-110, §5122(a)(4))
107. The LEA will comply with the provisions of Title V, Part A, including the participation of children enrolled in private, nonprofit schools, within the context of an approved school or district plan. (20 USC §7353(a)(3)), (PL 107-110, §5112(c)(2), §5142)

108. Submit evaluation information as requested by the SEA for annual statewide summary. (PL 107-110, §5122(b))
109. Use Title V, Part A funds to:
- Promote challenging academic achievement standards
  - Improve student academic achievement
  - Support an overall education reform strategy (PL 107-110, §5131(b)(1)(2)(3))

#### **NCLB, Title VI, Part B, Rural and Low-Income School Program**

110. Grant funds awarded under this subpart shall be used for any of the following: (1) Teach recruitment and retention, including the use of signing bonuses and other financial incentives; (2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers; (3) Educational technology, including software and hardware, as described in Part D of Title II; (4) Parental involvement activities; (5) Activities authorized under the Safe and Drug-Free Schools program under Part A of Title IV; (6) Activities authorized under Part A of Title I; or (7) Activities authorized under Title III. (PL 107-110, §6222)

#### **NCLB Title VI, Part B, Rural Education Initiatives**

111. The Rural Education Achievement Program (REAP) is designed to assist rural school districts in using Federal resources more effectively to improve the quality of instruction and student academic achievement. The three initiatives are: The Alternative Uses of Funds Authority, Section 6211 of the ESEA; The Small Rural School Grant Program, Section 6212 of the ESEA; and the Rural and Low-Income School Grant, Section 6221 of the ESEA. (PL 107-110, §6211, §6212, §6221)
112. The LEA choosing to use applicable funding under Subpart 2 and Section 2412(a)(2)(A) of Title II, Section 4114, and Part A of Title V under the Alternative Uses of Funds provision will use the applicable funding to carry out local activities under one or more of the following federal programs: Part A of Title I (Improving the Academic Achievement of Disadvantaged Children), Part A of Title II (Teacher and Principal Training and Recruiting), Part D Title II (Enhancing Education Through Technology), Title III (Language Instruction for Limited English Proficient and Immigrant Students), Part A of Title IV (Safe and Drug-Free Schools and Communities), Part B of Title IV (21<sup>st</sup> Century Community Learning Centers), Part A of Title V (Innovative Programs). (PL 107-110, §6211)
113. Grants recipients of Small, Rural School Achievement (SRSA) funds will use those funds to carry out activities authorized under one or more of the following federal programs: Part A of Title I (Improving the Academic Achievement of Disadvantaged Children); Part A of Title II (Teacher and Principal Training and Recruiting); Part D of Title II (Enhancing Education Through Technology); Title III (Language Instruction for Limited English Proficient and Immigrant Students); Part A of Title IV (Safe and Drug-Free Schools); Part B of Title IV (21<sup>st</sup> Century Community Learning Centers); Part A of Title V (Innovative Programs). (PL 107-110, §6212)
114. The Rural and Low-Income Schools (RLIS) are funds to rural LEAs that serve concentrations of children from low-income families, Section 6221-6224 of the ESEA. The LEA is not eligible to receive a Small, Rural School Grant under Section 6212. The LEA is authorized to use funds under this program for: teacher recruitment and retention, teacher professional development, educational technology as described in Part D of Title II; parental involvement activities, activities authorized under Part A of Title IV (Safe and Drug-Free Schools and Communities); activities authorized under Part A of Title I (Improving the Academic Achievement of Disadvantaged Children); and activities authorized under Title III (Language Instruction for Limited English Proficient and Immigrant students). (PL 107-110, §6221-6224, §6212)



115. The LEA will comply with the accountability requirements in section 6213 and 6224(d) and (e), as applicable. These requirements specify that participating LEAs must administer assessments consistent with Section 1113 (b)(3) of Title I. (PL 107-110, §6213, §6224(d)(e), §1113(b)(3))
116. The LEA understands that after participation in the Alternative Uses of Funds Authority, the Small Rural School Grant or the Rural and Low Income School Program, for three years, it must show academic progress consistent with meeting Adequate Yearly Progress (AYP). This is determined through the Academic Performances Index (API). (PL 107-110, §6312)

### **California Public School Library Act**

117. The LEA has developed a school library plan that has been approved by the local governing board. (EC 18181)
118. While Library Act funds are apportioned to districts, county offices, and direct-funded charter schools on an equal amount per unit of regular average daily attendance reported in the second principal apportionment of the prior fiscal year, they are distributed within the LEA according to the school library plan. (EC §18182)
119. The Library Act funds may be used for library resources that are circulated from or used in the school library media center, including books, periodicals, microforms, AV materials, computer software, CD ROMs, online resources, and equipment necessary to provide access to school library resources within the school library. (EC §18183) Examples of acceptable uses are available at <http://www.cde.ca.gov/ci/cr/lb/libraryfunding.asp>.
120. The LEA submits information about its school libraries each year using the CDE Online School Library Survey. (EC §18122)
121. The current school library plan is available for review upon request. (EC 18181(a))

### **Instructional Time and Staff Development Reform (ITSDR) Program**

122. Staff development days claimed for funding in 2003-04 provided training in instructional methods to improve pupil performance and in academic content in the core curriculum areas (as defined in the regulations pertaining to 44579.1(c)) that met local educational priorities as defined by the governing board of the school district, county board of education, or charter school, and (A) Were not conducted on minimum days, except as provided for in Education Code Section 44579.1(f)(2). (B) Each day of staff development was at least as long as the full-time instructional work day for qualified classroom teachers, classroom instructional aides and teaching assistants and each participant was present for the full staff development day, a contemporaneous record of attendance is on file and correctly represents the full days of attendance claimed for each participant. (C) Participating charter schools must meet the minimum instructional time requirements applicable to school districts. (EC 44579-44579.5; Title 5, CCR, Division 1, Chapter 6, Section 6000)

### **Peer Assistance and Review (PAR) Program For Teachers**

123. The adopted rules and regulations shall specify that persons seeking classification as a consulting teacher shall meet each of the following qualifications: 1) Is a credentialed classroom teacher with permanent status or, in any school district with an average daily attendance of less than 250 pupils, is a credentialed classroom teacher who has completed at least three consecutive school years as

an employee of the LEA in a position requiring certification qualifications; 2) has substantial recent experience in classroom instruction; and 3) has demonstrated exemplary teaching ability, as indicated by, among other things, effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of pupils in different contexts. (EC §44501)

124. The selection procedures for the designation of certificated classroom teachers as consulting teachers shall, at a minimum, provide for the following: The peer review panel shall select the consulting teachers. The majority of the panel shall be composed of certificated classroom teachers chosen to serve on the panel by other certificated classroom teachers. The remainder of the panel shall be composed of school administrators, chosen to serve on the panel by other school administrators. The selection process shall include provisions for classroom observation of candidates for consulting teacher by the panel. (EC§44502)
125. The peer review panel shall annually evaluate the impact of the peer assistance and review program in order to improve the program. This evaluation may include, but is not limited to, reviews or surveys of the program participants. The program shall have a monitoring component with a written record. (EC §44500 and 44502)
126. No more than 5 percent of the funds received by school districts for the Peer Assistance and Review Program will be expended for administrative expenses. (EC§44503)

### **State Program for English Learners**

127. The LEA has assessed each student with a Home Language Survey other than English within 30 school days of enrollment, in English comprehension, speaking, reading, and writing, and further assessed each English learner for primary language proficiency, including comprehension, speaking, reading, and writing within 90 calendar days of initial enrollment. The provision of these services is not contingent upon the receipt of state or federal categorical assistance funds. (EC §§306(a), 62002; CCR T5 §§4304, 4305; 20 USC §7402)
128. All parents of EL and FEP students have been notified in writing of their child's English and primary-language proficiency assessment results. (EC §§306(a), 62002; CCR T5 §4308)
129. Each English learner receives a program of instruction in English-language development in order to develop proficiency in English as effectively and efficiently as possible. (EC §§305, 306, 62002; former EC §52161; 20 USC §1703(f); *Castañeda v. Pickard* (5<sup>th</sup> Cir. 1981) 648 F.2d 989, 1011; and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. 1503, 1516-19)
130. All English learners are receiving access to the LEA's content and performance standards for their respective grade levels or the LEA has a plan that describes how academic deficits will be monitored and overcome within a reasonable time before such deficits become irreparable. (EC §§305, 306, 310, 311, 62002; 20 USC §1703(f); *Castañeda v. Pickard* (5<sup>th</sup> Cir. 1981) 648 F.2d 989, 1011; and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. 1503, 1518-19)
131. The LEA has established and implemented procedures for parental exception waivers for student program choice as required by law. (EC §§305, 306, 310, 311; CCR T5 11309)
132. The Individualized Education Program (IEP) team determines placement of each Special Education student, regardless of language proficiency. No provision of an IEP requires a parental exception waiver under this section.

133. Parents and guardians of English learners have been notified of the opportunity to apply for a parental exception waiver. (EC §§305, 306, 310, 311; CCR T5 11309))
134. The LEA has assigned an adequate number of qualified teachers to implement the required English-language development instruction and all other academic areas of the curriculum and is fully implementing specific district steps to remedy any shortage of qualified teachers. (EC §§44253.3, 44253.9, and 44225(q); 5CCR§§80015, 80015.1, and 80015.4)
135. The LEA provides a staff development program to qualify existing and future personnel (both teachers and paraprofessionals) in the skills necessary to help each English learner learn English and access the core curriculum. (EC §62002; former EC §52161; 20 USC 1703(f); *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d. §§989, 1013; and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. §§1503, 1517
136. There are adequate basic and supplemental resources to provide each English learner with learning opportunities in an appropriate program to provide equal opportunity for academic achievement across the core curriculum, including classes necessary to complete graduation requirements. (EC §§ 305,62002; 20 U.S.C. §1703(f); *Castañeda v.* (5<sup>th</sup> Cir. 1981) 648 F.2d 989, 1010, §§1012-1013); and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. §§1503, 1516-1519)
137. Reclassification: Consistent and verifiable criteria to change a student's designation from EL to FEP status have been established by the district if ELs are enrolled. Each former EL who has been designated to FEP has 1) demonstrated English language proficiency comparable to that of the average native speakers and 2) can participate equally with average native speakers in the school's regular instructional program. (EC §62002; former EC §52161; 20 U.S.C. §1703(f); *Gomez v. Illinois State Board of Education* (7th Cir. 1987) 811 F.2d 1030, 1041-1042, *Castañeda v. Pickard* (5th Cir. 1981) 648 F.2d 989, 1010, 1012-1014); and *Keyes v. School Dist. No. 1* (D. Colo. 1983) 576 F. Supp. §§1503, 1516-1522; CCR T5 11303)
138. The LEA has met the requirements of EC §62002.5 regarding the advisory functions of the LEA and school committees on services for English learners. (EC §62002.5; former EC §52176; CCR T5, §4312)
139. The LEA has established and implemented a process and criteria to determine the effectiveness of the program(s) for English learners. (EC §§305,306, 310; CCR T5 §11302)

### **Tenth Grade Counseling**

140. For the Tenth Grade Counseling Program, the LEA will give first priority to identifying pupils who are not earning credits at a rate that will enable them to graduate with the rest of their class and to providing these pupils with counseling services. (EC §48431.6(b))
141. The governing board of each LEA maintaining high schools and accepting funds made available for tenth grade counseling will establish and maintain a program which assures that each pupil, upon reaching age sixteen or prior to the end of the tenth grade, whichever occurs first, has received a systematic review of his or her academic progress and counseling regarding the educational options available to the pupil during the final two years of high school. EC §48431.6)

### **Tobacco-Use Prevention Education Program**

142. The applicant LEA assures that the activities or programs funded by Tobacco Use Prevention Education comply with the principles of effectiveness and foster a tobacco-free school environment and prevent tobacco use. IN GENERAL, for a program or activity to meet the principles of

effectiveness, such program or activity shall: (A) be based on an assessment of objective data regarding the incidence of tobacco use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding tobacco use, that is based on ongoing local assessment or evaluation activities; (B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a tobacco-free learning environment; (C) be based on scientifically based research that provides evidence that the program to be used will reduce tobacco use; (D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of tobacco use; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and (E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity; (F) shall undergo a periodic evaluation to assess its progress toward reducing tobacco use in schools to be served based on performance measures; (G) the results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

143. The applicant LEA shall provide tobacco-use prevention instruction for pupils, grades 4 to 8, inclusive, that address the following essential topics: (A) Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use. (B) Reasons that adolescents say they smoke or use tobacco. (C) Peer norms and social influences that promote tobacco use. (D) Refusal skills for resisting social influences that promote tobacco use. (Health and Safety Code 104420(m)(1))
144. The applicant LEA shall adopt and enforce a tobacco-free school policy. The policy shall prohibit the use of tobacco products, any time, in district-owned or leased buildings, on district property and in district vehicles. Information about the policy and enforcement procedures shall be communicated clearly to school personnel, parents, pupils, and the larger community. Signs stating, "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. Information about smoking cessation support programs shall be made available and encouraged for pupils and staff. The board-adopted tobacco-free school district policy must be certified by the California Department of Education that it meets all requirements of Health and Safety Code 104420. (Health and Safety Code 104420(p)(2))
145. The applicant LEA shall agree as a condition of receiving TUPE money to participate in a statewide evaluation if chosen by the evaluator. (Health and Safety Code 104375(d))
146. The applicant LEA agrees to make the following services relative to tobacco use available to every pregnant minor and minor parent:
  - Referral to perinatal and related support services
  - Outreach services and assessment of smoking status
  - Individualized counseling and advocacy services
  - Motivational messages
  - Cessation services, if appropriate
  - Incentives to maintain a healthy lifestyle
  - Follow-up assessment
  - Maintenance and relapse prevention services

Where appropriate, those services shall be integrated with existing programs for pregnant minors and minor parents. (Health and Safety Code 104460(a-b))

147. The applicant LEA agrees to keep such records and report such information to the California Department of Education as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the Department of Education. The applicant LEA agrees to report, when requested by the California Department of Education, its expenditures and services. (Health and Safety Code 104450)
148. As a condition of receiving funds, county offices of education and local school districts shall ensure that they coordinate their efforts toward smoking prevention and cessation with the lead local agency in the community where the local school district is located. (Health and Safety Code 104420(l))
149. The school district must assure that staff, contracts, materials, supplies and equipment funded with tobacco-use prevention education funds supplement but do not supplant existing levels of services. (Revenue and Taxation Code 30125)

### **Unsafe School Choice Policy**

150. The LEA assures that it has implemented a policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school. The opportunity to transfer that must be provided to students attending a persistently dangerous school, shall be offered to affected students at least 14 calendar days before the start of the school year. The LEA shall submit on a format to be designated by CDE the information the State requires to complete annual federal reporting requirements on the number of schools that have been designate "persistently dangerous" in accordance with California State Board of Education policy. (Section 9532, General Provisions, Title IX, PL 107-110; Notice of Final Deadlines for Implementation of the Unsafe School Choice Option, June 16, 2003 Federal Register [Vol. 68, No. 115])

### **AB 1113 School Safety**

151. The LEA will develop priorities and activities for the use of these funds, consistent with the enabling legislation and current law. Intended uses of these funds include age appropriate instruction in domestic, dating and interpersonal violence prevention, and other purposes. (EC 32228. (c)(4)), 32228.1)